

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STANLEY B. LUCKETT,

Petitioner,

Case No. 07-10118

v.

Honorable John Corbett O'Meara

C. EICHENLAUB,

Respondent.

ORDER GRANTING RESPONDENT'S MOTION FOR STAY PENDING APPEAL

Respondent has filed a motion requesting a stay pending this Court's October 24, 2007 Order, granting Petitioner's petition for writ of habeas corpus, in which the Court ordered the Bureau of Prisons to consider immediately whether Petitioner is eligible for transfer to a residential reentry center.

Respondent, in its motion, points out that the Sixth Circuit has not yet addressed the validity of the Bureau of Prisons regulations at issue in this case, and that the Bureau of Prisons is recommending to the Solicitor General of the United States that this Court's decision be appealed to the Sixth Circuit.

The Court recognizes that Petitioner's projected release date with all credit for good conduct is not until March 18, 2012. Because Petitioner is presently scheduled for RRC placement effective September 18, 2011, a stay pending appeal should not significantly delay the time when Petitioner would be released to a halfway house.

Accordingly, IT IS ORDERED that Respondent's motion for a stay pending appeal IS GRANTED.

s/John Corbett O'Meara
United States District Judge

Date: March 20, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 20, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager,